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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,230	10/25/2005	Norbert Stampfl	AT 030026	7950
24737 7590 01/12/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
HOANG, SON T				
ART UNIT		PAPER NUMBER		
2165				
MAIL DATE		DELIVERY MODE		
01/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/554,230

Applicant(s)

STAMPFL, NORBERT

Examiner

SON T. HOANG

Art Unit

2165

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Neveen Abel-Jail/
Primary Examiner, Art Unit 2165

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's amendment filed on January 5, 2009 is found to be eligible and has been entered.

Applicant's arguments towards the claims have been fully considered but are not persuasive. The Final Office action mailed on November 4, 2008 is hereby sustained.

Applicant's argument towards claims 1, 7, and 19 regarding the fact that Addington does not teach or disclose "storing an arrived content as stored content while an associated metadata associated with the arrived content is still being analyzed, or while awaiting arrival of the associated metadata", and "discarding the stored content if the associated metadata indicates that the useful information of the stored content does not satisfy the predefined criteria".

The Examiner respectfully disagrees with the above remarks. Accordingly, Addington teaches storing an arrived content as stored content while an associated metadata associated with the arrived content is still being analyzed, or while awaiting arrival of the associated metadata (if the pre-authored metadata is sent during or after the segment broadcast has started and the segment is being cached in a live spool 210e at the headend, the segment is packaged from the live spool 210e and sent to the personal video exchange server 210c. In other words, if permitted by the asset provided 10, the live spool 210e stores a portion of the broadcast, [0034]). It is clear that when a segment is being broadcasted, a portion of the segment is stored in the live spool while waiting for the segment's metadata to arrive in order to send the segment to the personal video exchange server.

Addington further teaches discarding the stored content if the associated metadata indicates that the useful information of the stored content does not satisfy the predefined criteria (the asset provider 10 may provide stream metadata that modifies this first-in-first-out algorithm of the live spool 210e. For example, an asset provider 10 can send an instruction to the live spool 210e to save a portion of a broadcast stream in the live spool 210e for a specified period of time. Thus, the saved portion of the broadcast stream will not be deleted by the live spool 210e when new content arrives, [0034]). It is clear that metadata controls the storage age of a saved portion of a broadcast stream in the live pool. When the storage age predefined by the metadata is expired, the saved portion of the broadcasted segment will be deleted.

/Son T Hoang/
Examiner, Art Unit 2165